

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA and STATES of
THE UNITED STATES, ex rel. PATRICK
DONOHUE,

Plaintiff-Relator,

- against -

RICHARD CARRANZA, in his official capacity as
the former Chancellor of New York City Department
of Education, et al.,

Defendants.

Civil Action No. 1:20-cv-5396 (GHW)

**NOTICE OF MOTION TO DISMISS AND TO STRIKE SAN DIEGO UNIFIED
SCHOOL DISTRICT, DR. LAMONT A. JACKSON, AND CINDY MARTEN, FROM
THE SECONDED AMENDED COMPLAINT**

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SAN DIEGO UNIFIED SCHOOL DISTRICT

*Attorneys for Defendants
San Diego Unified School District, Dr. Lamont Jackson and Cindy Marten*

PLEASE TAKE NOTICE, that, upon the attached Memorandum of Points and Authorities, the proceedings heretofore had herein the Defendants, San Diego Unified School District, Dr. Lamont Jackson and Cindy Marten will move before the Honorable Stewart D. Aaron, U.S.M.J. of the United States District Court for the Southern District of New York, at the United States District Courthouse, located at 500 Pearl Street, New York, NY 10007, at a time and place to be scheduled by this Court, for an order pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, including Rule 12(b) (1), (2), (3) and (6), and Local Civil Rule 11.1 granting Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint for lack of subject matter jurisdiction, lack of personal jurisdiction, improper venue, and failure to state a claim on which relief can be granted and to strike all claims for treble damages against them under Rule 12(f) of the Federal Rules of Civil Procedure.

DATED: June 30, 2022

ORBACH HUFF & HENDERSON LLP

By: /s/ Enrique M Vassallo
Enrique M. Vassallo, Esq.
Attorney for Defendants
San Diego Unified School District
Dr. Lamont A. Jackson and
Cindy Marten